

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-00222

TODD STEPHENS
BREE EBERBAUGH

MEMORANDUM OPINION AND ORDER

Pending before the court is a motion to continue filed by defendant Todd Stephens. See ECF No. 62. In support of the need for a continuance, counsel for Stephens states that he needs additional time to review discovery recently provided by the government.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and GRANTS the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

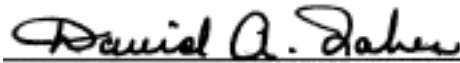
Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until April 2, 2019, at 9:30 a.m., in Charleston. Jury instructions and proposed voir dire are to be filed by March 26, 2019;
2. Additional pretrial motions, if any, are to be filed no later than March 19, 2019, with responses due no later than March 22, 2019. A pretrial motions hearing is scheduled for March 26, 2019, at 1:30 p.m., in Charleston; and
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 28th day of February, 2019.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge